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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

CUBA

[27 October 1995]

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INTRODUCTION

1. Cuba can be described as an extremely equitable society with an overall level of supply which does not meet all the people's needs. The maintenance of this equity and the efforts to increase the overall level of supply are central commitments of the Cuban Government. It is common knowledge that the social policies pursued over more than three decades produced a system of institutions founded on the values of equality, solidarity and social justice. The integration of its economy in the economic relations developed with countries of Eastern Europe provided Cuba with a supply of basic goods and financial resources on favourable terms, allowing it to satisfy basic needs at a level somewhat higher than in many countries of the region. The break-up of the European socialist camp caused profound changes in Cuba's international economic relations. This is manifested in a serious shortage of foreign exchange and a very severe contraction of the internal market connected with the deterioration in supply.

2. This situation has been aggravated by the impact of the economic, trade and financial blockade which Cuba has had to suffer for more than 30 years. Moreover, the blockade began to intensify from 1990, as can be clearly seen from the legal measures adopted by the United States in 1991 which penalised, on an extra-territorial basis, the shipping and trade links which any country maintained with Cuba.

3. The blockade means reduced availability of food, medicines and public-health inputs, a severely reduced supply of inputs for the education of children, a smaller intake of micronutrients, and serious defects in the supply and quality of drinking water. But, above all, the blockade violates the human rights of the Cuban people.

4. The Government and people of Cuba have had to raise their response capacities to unprecedented heights in order effectively to protect the child-welfare standards achieved over many years of hard work and dedication. Even in these circumstances the country's efforts continue to produce successes such as a child mortality rate of 9.9 per thousand live births. Countless efforts had to be made in all the basic areas of social policy in order to achieve this success, which is an exceptional one for such a difficult period in the country's life.

5. In any event, the Government will continue to work ceaselessly to preserve the achievements and even to make further progress in the areas of action which are today the most problematical. There can be no doubt that even in these adverse circumstances Cuba will continue to use all its capacities to foster the welfare and development of its children and that the precepts of the Convention on the Rights of the Child will continue to be observed and implemented.

Table 1

General data

Country's official name	Republic of Cuba
Capital	Havana
Official language	Spanish
Area in km²	110,860
Island of Cuba	104,945
Island of La Juventud	2,200
Adjacent keys	3,715
Inhabitants per km²	99
Total rainfall (mm)	1,359
Days with rainfall	126
Relative humidity (%)	81
Average temperature (°C)	25

6. In 1994 the gross domestic product (GDP) showed an increase of 0.7 per cent over 1993 in constant 1981 prices. In 1994 there was a shift in the economic trend, which had been upward from 1990 to 1993. In comparison with 1989, GDP fell by 34.3 per cent.

Table 2

Gross domestic product (GDP)
(at constant 1981 prices)

Year	GDP (thousands of pesos)	Rate in comparison with the previous year (%)	Rate in comparison with 1989 (%)
1989	19,585.8	+0.7	0.0
1990	19,008.3	-2.9	-2.9
1991	16,975.8	-10.7	-13.3
1992	15,009.9	-11.6	-23.4
1993	12,776.7	-14.9	-34.8
1994	12,868.3	+0.7	-34.3

7. The slight increase in 1994 was basically due to an rise of 7.6 per cent in value added in manufacturing and 4.4 per cent in electricity, gas and water, and to the strength of tourist services, which showed an increase of 5.5 per cent in value added. However, farming, hunting, forestry and fisheries declined by 4.9 per cent, and transport, warehousing and communications by 3.4 per cent. Community and personal services (which include non-commercial services for individuals and the community) showed a small drop of 1.8 per cent over 1993.

8. The main growth activities were crude-oil extraction, electricity generation, steel, batteries, fertilisers, cement, lobster fishing, mixed animal

feeds, textiles, wheat, tires and cigars. Only crude oil performed better than in 1989. Accordingly, a return to the 1989 production levels had still not been achieved at the beginning of the special period. The production of raw sugar in 1994 was four million tons.

9. A comparison of a selection of farm goods with 1993 shows increases for rice, maize, other fruits, milk, eggs and slaughtering of poultry and pigs, and a drop of 16.6 per cent in meat and vegetables. In cattle farming the herds made a recovery in comparison with 1993 to a level of more than 4.6 million head.

10. An examination of GDP utilization shows that personal consumption increased at 1981 prices by 5.7 per cent, while Government consumption fell by 1.9 per cent. The gross formation of fixed capital continued to decline, showing a fall of 27.6 per cent in comparison with 1993.

Table 3

Population

	1985	1990	1994
Estimated population at end of year (thousands)	10,152.6	10,694.5	10,963.0
Average population (thousands)	10,097.9	10,635.7	10,951.3

Table 4

Resident population by sex and age group at the end of 1994

Age group	Total	Female	Male
Total (thousands)	10,963.0	5,457.4	5,505.6
Under 5	806.6	391.5	415.1
5 to 9 years	883.0	430.3	453.3
10 to 14 years	737.1	359.2	377.9
15 to 19 years	788.0	386.9	401.1
20 to 24 years	1,118.1	549.8	568.3
25 to 29 years	1,156.9	573.0	583.9
30 to 34 years	1,023.1	511.0	512.1
35 to 39 years	701.5	353.4	348.1
40 to 44 years	723.2	368.6	354.6
45 to 49 years	645.2	328.3	316.9
50 to 54 years	571.4	285.8	285.6
55 to 59 years	446.2	224.5	221.7
60 to 64 years	378.9	189.3	189.6
65 and older	983.2	505.8	477.4

Table 5

Population by province

Resident population at the end of year	1993	1994
Cuba (thousands)	10,940.6	10,963.0
Pinar del Río	714.9	717.9
Havana	666.4	669.8
Havana City	2,176.0	2,172.4
Matanzas	631.6	633.0
Villa Clara	824.1	823.4
Cienfuegos	379.8	382.4
Sancti Spíritus	444.8	448.0
Ciego de Avila	388.4	390.8
Camagüey	769.0	770.8
Las Tunas	512.9	515.3
Holguín	1,012.2	1,014.3
Granma	816.7	820.5
Santiago de Cuba	1,017.9	1,017.0
Guantánamo	509.8	510.9
Island de la Juventud	76.1	76.5

Table 6

Demographic indicators

	1993	1994
Live births (thousands)	152.2	147.3
Deaths (thousands)	78.5	78.6
Marriages (thousands)	135.1	116.9
Divorces (thousands)	64.9	56.7
Birth rate (per thousand inhabitants)	14.0	13.4
Total death rate (per thousand inhabitants)	7.2	7.2
Child death rate (per thousand live births)	9.4	9.9
Life expectancy at birth (years)	74.5 a/	74.7 b/
Marriage rate (per thousand inhabitants)	12.4	10.7
Divorce rate (per thousand inhabitants)	6.0	5.2

a/ For 1986/1987.

b/ For 1988/1989.

Table 7

Health

	1993	1994
Personal services		
Doctors :	51,045	54,065
Including, family doctors	22,021	25,055
Dentists	8,531	8,834
Nurses and auxiliaries	72,786	71,707
Technicians and auxiliaries	53,619	54,593
Inhabitants per doctor	214	203
Inhabitants per dentist	1,278	1,242
Population attended by family doctors (%)	90	94
Service units	1914	1,932
Including, hospitals	279	278
Polyclinics	427	435
Dental clinics	166	167
Maternity centres	176	183
Old people's centres	174	179
Normal number of beds		
Total	80,695	81,921
Medical care (per 1,000 inhabitants)	6.1	6.1
Social assistance (per 1,000 inhabitants)	1.3	1.3
Medical and dental consultations (1,000s)	77.5	81.7
Medical	64.8	67.4
Dental	12.7	14.3

Table 8

Education

	1993	1994
Indicators of children's centres		
Number of units	1,156	1,102
Capacity at end of year (thousands)	148.9	148.7
Qualified teaching staff (thousands)	26.5	22.5
Number of mothers benefitting (thousands)	142.1	137.6
Education indicators a/		
Number of schools	12,511	12,254
Including: primary	9,440	9,425
secondary b/	1,926	1,805
higher	33	33
Teaching staff (thousands)	220.9	195.4
Including: primary	76.2	74.2
secondary b/	85.1	69.0
higher	24.8	23.3
Pupils graduated (thousands)	2,240.8	2,156.2
Including: primary	983.5	1,007.8
secondary b/	725.8	674.2
higher	165.8	140.8
Number of scholarships (thousands)	346.3	301.0
Including: primary	10.4	9.7
secondary b/	255.4	221.5
higher	61.8	51.8
Number of part-time borders (thousands)	562.2	532.1
Including: primary	365.8	360.6
secondary b/	83.0	71.7
higher	4.7	3.0
Pupils graduated (thousands)	422.2	
Including: primary	142.2	
secondary b/	204.7	
higher	31.0	

a/ 1993/1994 and 1994/1995 academic years.

b/ Includes basic secondary, pre-university, technical and vocational, and teacher training.

Table 9

Access to drinking water

Sector	Population	Total supplied	
		(thousands)	(%)
Urban	8,156.4	7,838.7	96.1
Rural	2,806.5	1,940.2	69.2
Total	10,962.9	9,778.9	89.1

Table 10

Access to sanitation

Sector	Population	Total	
		(thousands)	(%)
Urban	8,156.4	7,731.2	94.8
Rural	2,806.5	2,300.3	81.9
Total	10,962.9	10,031.5	91.5

Table 11

Culture and art

	1993	1994
Cultural facilities		
Theatres and halls	51	53
Libraries	359	355
Art galleries	121	126
Museums	217	215
Houses of culture	269	266
Attendance (thousands)		
Theatres	1,425.5	1,553.7
Libraries	5,979.8	5,614.5
Art galleries	1,040.7	1,610.1
Museums	4,404.6	3,281.5
Houses of culture	271.5	282.9
Amateur artistic activities		
Groups	11,460	10,477
Members	74,496	64,255
Number of activities	217,043	241,219
Attendance	271,486	282,929
Books and pamphlets published		
Titles	568	932
Number of copies (thousands)	2,085.5	4,610.6
Cinemas		
35 mm	461	463
16 mm	442	399
Video halls	107	95
Screenings a/ (thousands)		
Total shows	114.8	163.0
Total spectators	17,558.0	12,757.8
Film production		
Total	16	21
Features	6	7
Shorts	7	9
Cartoons	3	5
News programmes	-	-
Total broadcast hours (thousands)		
Radio b/	277.6	282.4
Television	7.0	7.3

a/ 35 mm.

b/ Excluding international broadcasts.

I. MEASURES TO ACHIEVE THE IDEALS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

11. Cuba's education policy is consistent with the provisions of the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the many recommendations adopted by various United Nations forums.

12. Cuba has therefore embraced the principles set out in these documents and has incorporated and developed them in its legislation and social practice. For example, the Constitution of the Republic of Cuba, which was approved by the free, equal, universal and secret vote of 95.7 per cent of all Cuban men and women aged over 16 years, states in article 39: "The State shall direct, promote and encourage education, culture and science in all their manifestations." It further stipulates that education is a duty of the State and that it shall be based on the conclusions and contributions of science and on the closest possible relationship between study and life, work and production. It also states that education shall be free and that for this purpose the State shall moreover maintain an extensive system of scholarships for students and provide workers with multiple opportunities for study in order to achieve universal education.

13. In accordance with article 20 of the International Covenant on Civil and Political Rights, any propaganda for war is prohibited, together with any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Quite apart from legislative and administrative measures, these prohibitions imply the implementation of additional positive measures of propaganda and education for peace.

14. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has worked extensively and consistently to ensure that this principle is observed by States. For example, at its General Conference on 19 November 1974 it approved the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. Since 1969 Cuba has worked consistently for international peace and understanding; it has found this Recommendation to be a support in the implementation of its policy and has built upon it in order to attain these noble objectives.

15. This purpose is achieved by means of constitutional provisions and the corresponding supplementary legislation and by various measures taken by the Ministry of Education, which has included it in study plans and curriculums, especially in civic education, history and literature and, in general terms, in teacher training through the various elements of the curriculum.

16. Education in and publicizing of human rights are achieved primarily through the regular education system. The cover extends to all Cuban children in basic and secondary education and is continued at the tertiary level and in postgraduate and adult education. Work of this kind is also carried out by non-governmental organizations (NGOs) and community organizations concerned with education. An important role has been played by the mass media, in particular radio and television with their extensive national cover.

17. The civic education of schoolchildren is a necessity owing to the important influence of civic obligations on personal and social life, obligations which are a reflection of the complexity of personal relations in the contemporary world.

18. Where democracy is concerned, children in secondary schools are taught and absorb the concept of democracy and its various forms of expression by a number of means, mainly in collectives and the civic education classes mentioned earlier. In order to consolidate this learning, students study, for example, the structure of the Cuban State and the role which is played or can be played by Cuba's election system and the ways in which it differs from the systems of other countries.

19. The active participation of students in the country's life is the main means of learning about and understanding human rights and democracy. They thus learn that the most important laws, the Constitution for example, are studied and debated by the whole people and they come to realise that the protection of human dignity is the fundamental characteristic of a democratic State.

II. GENERAL PRINCIPLES

20. Education in the principles of equality is an integral aspect of the Cuban State and a fundamental element of schooling; accordingly, the Universal Declaration of Human Rights, the International Covenants and the other related recommendations and conventions, in particular those on the elimination of all forms of racial or sexual discrimination and the Convention on the Rights of the Child, enjoy the firmest and broadest possible support in Cuba, for these instruments form part of the very essence and conception of the Cuban State and of its underlying principles set out in the 1976 Constitution, as amended in 1992. Consideration and respect for human dignity constitute a mandate of the highest legal authority.

21. The principles contained in the Constitution are not merely an abstract declaration but realities achieved by the material and moral works of the Revolution.

22. The preamble to the Constitution states the determination that the law of laws of the Republic shall be guided by the profound wish of José Martí, at last achieved, when he said: "I want the first law of our Republic to be the tribute of Cubans to the full dignity of mankind." The provisions of the Constitution and of all specialized legislation, as well as the consequent social practice, seek the development and implementation of this principle.

23. The Cuban State not only prohibits racial discrimination based on sex, religion, social origin and the other grounds mentioned in article 2 of the Convention on the Rights of the Child but also punishes it by law, for all citizens enjoy equal rights and have equal duties, as guaranteed in chapter VI of the Constitution, which is concerned with equality. Accordingly, the institutions of State educate everybody from the earliest age in the principle of the equality of human beings.

24. Article 37 of the Constitution stipulates the equality of rights of all children whether born in or out of wedlock and continues: "No statement shall be

made which differentiates between births or refers to the civil status of the parents in the registration of a child's birth or in any other documents which mention paternity."

25. Article 65 of Law No. 1289 (Family Code) stipulates "the equality of children, by virtue of which they enjoy equal rights and have the same duties with respect to their parents, regardless of their parents' civil status."

26. Article 4 of Law No. 51 (Registration of civil status) adopted by the National Assembly of People's Power in regular session on 8 July 1985 eliminated all differences and categories of birth. This Law and its regulations facilitate the identification of the parents even if they are not formally or legally married. It also reaffirms the rights of the children with respect to recognition of the identity of their parents and fulfilment of parental responsibilities.

27. Article 47 states that "the registration of the birth of a child of parents whose marriage has not been formalized or legally recognized shall be made by both parents jointly or by one of them. If both parents make the registration, the names of the child shall be recorded in the form established in article 45 of this Law."

28. Article 48 goes on to state:

> "...In the case referred to in the previous article when the application for registration of the birth is made by the mother alone and she declares the father's name, the father shall be summoned to appear in person before the registrar with a warning that if he does not attend in order to accept or deny paternity within a period of 90 working days, the child shall be registered as his.
>
> If this period elapses without verification of a denial of paternity, the registration shall be made in accordance with the warning and, once this has been done, paternity may be contested only by means of the appropriate legal proceedings within a period of one year from the date of the registration."

III. DEFINITION OF THE CHILD

29. The Civil Code of the Republic of Cuba adopted by the National Assembly of People's Power on 16 July 1987 distinguishes in its article 29 between the ages of majority and minority and states that the age of majority begins on the eighteenth birthday or on marriage in the case of a minor. However, other ages may be established by law with respect to certain acts.

30. Cuba's criminal legislation stipulates that only persons aged over 16 years may be prosecuted and it provides different treatment for offenders aged between 18 and 20 years. Thus, when the accused is over 16 but under 18, the court may reduce by half the minimum and maximum limits of the sentence, and by a third when the accused is aged 18 to 20 years. This provision is based on the youth of the persons concerned, who are regarded as still in the stage of formation of their personality - valid reasoning which is taken into account by the Cuban legislature.

31. The labour legislation sets the minimum working age at 17 years, and the general military service regulations stipulate that a young person may be drafted in the year in which the seventeenth birthday is reached.

32. Young people in Cuba have a constitutional right to elect and be elected to all elective offices, from the local district to the national levels. This right may be exercised from the age of 16, or 18 in the case of the election of deputies.

33. The physical and mental integrity of all pupils and students is protected in Cuba, and this protection is one of the constant tasks of everyone participating in educational work in any way. It is provided by means of instruction in its necessity and the correct training of children and young people, as well as by the constant psychological and teaching activities, and it is moreover spelled out in the school regulations in the form of prohibitions and sanctions.

34. The latest current legal provision in this area is the Joint Resolution of the Ministers of Education and Higher Education of 6 August 1987, which approved the Branch Regulations on Labour Discipline in Education, article 4 of which provides that any person employed in an education activity is prohibited from physically or verbally abusing the students and that any infringement of this prohibition shall be punished in accordance with articles 27 and 28 of the Regulations.

35. The best interests of the child in eduction are spelled out in resolutions and regulations which stipulate in their preambular and operative parts "the responsibility to organize and direct children's education and their physical, moral, intellectual and aesthetic training." These interests are also emphasized in the Declaration and Resolution on Children and Young People adopted by the First Congress of the Communist Party of Cuba in 1975 and ratified at subsequent Congresses.

36. For more than three decades Cuba's Government and social organizations have directed their efforts and energies towards overcoming the serious deficits which in the past affected the survival, development and welfare of children. These efforts were focused all areas of social life, in particular education and health. In Cuba, equity and equality of opportunities constitute one of the fundamental achievements of this period.

37. In accordance with the agreements adopted at the World Summit for Children in 1990, Cuba has a National Action Programme for Children which operates as a tool of social policy in support of the country's other programmes for the comprehensive development of the child. The United Nations Children's Fund (UNICEF) has stated that most of the targets set by the Summit for the year 2000 have already been reached or exceeded by Cuba. The National Action Programme was reviewed and evaluated in 1992, 1993 and 1994. A copy of the third review and evaluation report on the National Action Programme, submitted in June 1995, is annexed to this report.*

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* This document may be consulted in the Secretariat's files.

38. The rights to life, survival and development are guaranteed by the National Health Service, which provides care for children and pregnant women by means of various activities designed to protect both categories. Development is in turn guaranteed by means of a network of children's and social welfare institutions.

39. Respect for the views of the child is manifested in educational activities designed to achieve self-respect and independence and in procedures which enable children to state their opinions in the various activities in which they engage. All these matters are spelled out in the education programmes.

40. In addition, from an early age children may voluntarily join student organizations which instruct them and help them to exercise their rights and understand their civic duties, providing opportunities for discussion of their opinions from the school up to the level of national congresses.

IV. CIVIL RIGHTS AND LIBERTIES

41. In the teaching-learning process itself and in their activities in youth organizations children study together their problems and their academic, work, education, social and administrative results; they make their worries and proposed solutions known within their own environment or at higher levels and for this purpose they have appropriate machinery available and representatives at the higher levels.

42. The socialist State guarantees the right of assembly recognized in article 54 of the Constitution as a means by which citizens can engage in many different activities which foster the development of science, culture and sports, creative initiatives, and leisure and recreation in free time, as well as manifestations of friendship and human solidarity and other forms of organization and social amenity.

43. Specifically, Law No. 54 of 27 December 1985 (Associations Act) establishes new regulations governing the activities and registration of associations and the exercise of the right of association and assembly which the Constitution accords to all
Cuban citizens.

44. Article 102 of the current Children's Code states that children and adolescents in the first to ninth grades may voluntarily join the José Martí Pioneers Organization, whose fundamental objective is to introduce them to work and activities which foster their communist upbringing.

45. Article 56 of the Constitution states that the home is inviolable. No one may enter another person's home against his wishes, except in the cases provided by the law. Article 57 also stipulates that correspondence is inviolable and may be seized, opened and examined only in the cases provided by the law. The same principle applies with respect to communications by cable, telegraph and telephone.

46. In addition, article 58 of the Constitution states: "...The freedom and inviolability of the person are guaranteed to everyone residing in the national territory. No one may be arrested except in the cases and in accordance with

the procedure and the guarantees prescribed by the law. These guarantees also apply to minors."

47. Law No. 16 (Children's Code), adopted at a regular meeting of the National Assembly of People's Power on 30 June 1978, states in its article 86: "...the mass media shall contribute to the comprehensive training of children and young people..."

48. The Cuban Radio and Television Institute, the Ministry of Culture and other bodies responsible for written publications ensure the constant development of the educational role of the media and their highest technical and cultural standards. The Code also states, in article 84, that the managements of theatres and ballet, dance and popular arts groups, art cinemas, libraries, orchestras, museums, schools and other cultural-development facilities shall encourage and shape the artistic taste of children and young people.

49. Article 40 of Law No. 51 (Registration of civil status) states that for the purposes of registration of birth the father and mother or either of them separately have an obligation to declare a birth within 72 hours of its occurrence. In January 1988, by agreement between the Offices of the Identity Card and Registration of Population of the Ministry of the Interior and the Registrar's and Notary's Department of the Ministry of Justice, arrangements were introduced for the registration of births in the health centres, with the information subsequently transmitted to the appropriate registry office for entry in the register of births; the child's identity card and other documents are also issued before he or she leaves the hospital.

50. The name is the fundamental component of personal identification. Parents are entitled to choose freely the name to be given to their child. However, article 43 of Law No. 51 states:

> "...No person may be registered with more than two names. The parents or other persons concerned may freely choose the names, but in all cases the names must be consistent with the educational and cultural development of the people and its traditions.
>
> However, on an exceptional basis first names and surnames may be changed or discarded once, or twice if the person concerned is of age and the earlier change was made when he was subject to parental authority."

This Law and its regulations establish the rules pertaining to the name chosen by the parents or other persons concerned for the purpose of registering a birth at a civil registration office.

51. Article 28 of the Constitution states that Cuban citizenship may be acquired by birth or by naturalization. In this connection article 29 states: "Cuban citizens by birth are:

(a) Persons born in the national territory except for the children of foreigners in the service of their Government or international bodies. The law shall establish the requirements and formalities applicable to the children of foreigners resident in the country;

(b) Persons born abroad of a Cuban father or mother on an official mission;

(c) Persons born outside the national territory of a Cuban father or mother, subject to completion of the formalities prescribed by the law,

(d) Persons born outside the national territory of a Cuban-born mother or father who have lost Cuban citizenship, provided that they reclaim it in the manner prescribed by the law;

(e) Foreigners who for exceptionally meritorious conduct in the struggles for the liberation of Cuba were regarded as Cuban citizens by birth."

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

52. The questions of parental control and guidance are referred to in various documents, including the Constitution and the Family Code, which regulates relations between parents and children in the family and society. Parents receive instruction in the care and upbringing of their children through various kinds of community activity and through the mass media.

53. Parents' responsibilities are set out in the Family Code and in the Constitution, in its chapter IV on the family, which recognizes the family as the fundamental unit of society and stipulates the duty of parents to maintain their children, assist them in the defence of their interests and contribute actively to their training and development.

54. Title IV, chapter I, of the Family Code promulgated on 14 February 1975 establishes and provides for the protection of persons legally incapacitated by being under age and for the protection of their property.

55. The institution of guardianship is the most important means of providing assistance to minors in the absence of paternal authority; its function is to guarantee the education, protection, rights and inheritance interests of minors.

56. Furthermore, as stipulated in the Children's Code (Law No. 16 adopted by the National Assembly of People's Power), the Cuban State has a particular interest in caring for the lives and development of children and young people and for this purpose it has established children's centres, sports facilities, and schools of all types and levels in which study is combined with work.

57. The Family Code (Law No. 1289) spells out, in its chapter II on relations between parents and children, the duties and rights of the parents or legal representatives to provide guidance for the children in the exercise of their rights in a way consistent with the development of their faculties. Article 83 of the Family Code states: "...Exercise of parental authority is a matter for both parents acting jointly. Parental authority shall be exercised by only one parent if the other dies or his or her parental authority is suspended or terminated."

58. According to article 85, parental authority encompasses the following duties and rights of parents:

(a) To keep their children under care and guardianship, to endeavour to provide them with a stable home and adequate maintenance, to care for their health and personal cleanliness, to provide them with means of recreation appropriate to their age and capacities, to give them proper protection, to ensure their good conduct, and to cooperate with the relevant authorities when they are dealing with any situation or environmental factor which has or may have an unfavourable influence on the children's training and development;

(b) To attend to the education of their children, to instill in them a love of study, to ensure that they attend the school where they are enrolled, to ensure their adequate technical, scientific and cultural development in accordance with their aptitudes and interests and the requirements of the country's development, and to collaborate with the education authorities with respect to curriculums and activities;

(c) To attend to the training of their children for life in society. To instil them with love for their country, respect for its symbols and a proper appreciation of its values, the internationalist spirit, the rules of coexistence and socialist morality, and respect for the national heritage and the personal property and rights of other people, inspiring by attitude and treatment the respect which they are due, and to teach them to respect the authorities, their teachers and other persons;

(d) To administer and care for the property of their children with the greatest diligence, to ensure that their children properly use and enjoy the property which belongs to them, and not to alienate, exchange or transfer such property unless it is in the interest of the children themselves and in accordance with the requirements set out in the Code;

(e) To represent their children in all the legal proceedings and transactions in which they may have an interest, to supplement their legal personality in matters in which the full capacity to act is required, and to take any timely and proper action which they are entitled to take in order to protect the children's interests and property.

59. Cuba's Criminal Code provides for the additional penalty of termination or suspension of parental and guardianship rights as an optional order which the courts may make on a temporary or permanent basis after having handed down a principal sentence, but only in the cases and for the crimes specified in the Criminal Code. The courts may impose this additional penalty on ancestors or guardians who commit the crimes of rape, pederasty with violence, sexual abuse, incest, corruption of minors, or public scandal (article 303, paragraphs (a) and (b), of the Criminal Code) against the person of a descendant or a ward or minor in their care.

60. The non-separation of parents and children and the retention of parental authority are dealt with in the Family Code in its chapter II on relations between parents and children; this right cannot be denied except in the case of commission of a crime against the minor duly attested in a court decision.

61. Children who for any reason are placed in an official children's institution maintain contacts with their parents, when this is advisable, by means of various social-work activities which facilitate such contacts.

62. The question of payment for a child's maintenance is dealt with in title III, chapters I and II, of the Family Code and in chapter IV, article 38, of the Constitution. If the parents are insolvent or are serving a sentence imposed by a court, the network of children's centres, schools and hostels provides temporary shelter for any minors concerned.

63. The Constitution guarantees that in the Cuban State no child shall go without schooling, food and clothing: article 40 states that "children and young people shall enjoy special protection by the State and society. The family, the school, the State bodies and the social organizations have a duty to pay special attention to all aspects of the upbringing of children and young people."

64. The few cases in Cuban society of children who have been abandoned or have no family are dealt with by the State. The provision of State care in such cases was the purpose of the promulgation of Decree-Law No. 76 of 20 May 1984, which provided for the establishment of a network of social welfare centres to house and care for minors having no family environment because they are orphaned or abandoned; this led to the creation, organization and operation of children's hostels and the extensive system of mixed children's centres where the living conditions are similar to those of a household. There are in total 15 mixed children's centres and hostels in the preschool education system.

65. Adoption is dealt with in Decree-Law No. 76/1984 and in chapter III of the Family Code, which provides for adoption in the best interests of the child's development and education and creates a relation of kinship identical to the one between parents and children.

66. In only a small percentage of the cases of young children in situations of social disadvantage (2,125 in all) can the children be adopted, owing to the legal retention of parental authority by their natural parents. However, between 1982 and the present about a thousand children from all parts of the country, but especially from the capital, have been given in adoption; there is a large number of applications which cannot be met because there are insufficient children deprived of a family environment. Nevertheless, the work of adoption proceeds and constitutes a permanent activity of the mixed children's centres and hostels.

67. In addition, Decree-Law No. 76 establishes the legal concept of foster home as a means of supporting the mixed children's centres and hostels with families who house and care for children enrolled in these institutions who cannot be legally detached from their parents. The main obstacle to extending the provision of foster homes is the fact that people view fostering as a preliminary step to adoption.

68. The Family Code and the Declaration on Childhood and Youth establish the responsibility of parents and the State to care for children and the ways and means of preventing child abuse and neglect. In the daily work of the schools and children's hostels efforts are made to increase families' awareness of the need to provide better care for their children.

Minors with behavioural problems

69. Decree-Law No. 64 of 1982 created a system for treating children under the age of 16 who present behavioural problems, engage in antisocial behaviour or

take part in acts defined as crimes by the law. This system was based on an integrated pedagogical concept of a coordinated, coherent, unitary and scientifically based procedure.

70. This legislation decriminalised such behaviour, i.e. children under the age of 16 are not tried by the courts of justice but treated in specialised institutions under the control of the Ministries of Education and the Interior, whose competence to act is determined basically by the seriousness of the offence or the danger represented by the minor. This measure goes further than the United Nations Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"). The system has agencies which operate within the structure of the two ministries. These agencies are the child welfare councils, which draw their membership from among experts in various disciplines, including teachers and psychologists, and from the institutions concerned with diagnosis, assessment and guidance, which are staffed by multidisciplinary teams. These are the bodies which decide what type of treatment children should receive in the light of their individual needs. The Ministry of Education, which has supervisory functions, organises these activities on a national basis through a unit having subunits in the provinces and towns staffed by highly qualified personnel.

71. The psychological treatment, physical and psychological recovery and social reintegration of the children is the joint responsibility of the psychologists and social workers, who provide these aspects of treatment in collaboration with the teaching staff of the institutions and social organizations (Committees for the Defence of the Revolution and Federation of Cuban Women), as well as with the health services, in particular family doctors.

72. One hundred per cent of the children diagnosed as having behavioural problems attend school. There are at present 35 special schools, 13 of them of the new type. These schools have 2,487 pupils on their rolls.

VI. BASIC HEALTH AND WELFARE

73. There is a nationwide programme of mother and child care whose fundamental purpose is to improve the standards of health and the satisfaction of the people's needs by means of prevention, promotion, protection and recuperation activities for pregnant and other women, children and adolescents; these activities are carried out by the National Health Service in collaboration with other State institutions and mass organizations and with the active participation of the community. The main goals are:

(a) To improve the volume and quality of services in gynaecology and obstetrics and in paediatrics, giving priority to the risk groups;

(b) To reduce the rates of maternal, perinatal, child, preschool and adolescent mortality;

(c) To reduce the incidence of low birth-weight;

(d) To incorporate out-patient mother and child care in the family doctor system.

There are also 33 other specific goals concerning the care of women, children and adolescents.

74. This programme is periodically and systematically monitored and evaluated in all parts of the National Health Service. It is also supported by the political and administrative authorities at the national, provincial, municipal and local levels.

75. Cuba is moreover a signatory of the agreements adopted at the World Summit for Children and has a National Action Programme for Children which is part of the National Mother and Child Care Programme. This Action Programme has 25 goals; many of them have already been attained ahead of time and others are very close to attainment despite the difficulties of the special period through which Cuba is passing.

76. The following are some of the fundamental aspects of the programmes and projects for mother and child care: National Mother and Child Care Programme; Family Doctor Plan; programme for the reduction of low birth-weight; programme for the development of perinatal medicine; programme to promote breast-feeding; immunization programme; programme for the prevention and early diagnosis of genetic diseases; monitoring of the growth of children aged under five; education for health; and monitoring and evaluation.

77. The following table presents a set of selected indicators for 1993 and some for 1994, which illustrate the effort made by the Government to improve the health of Cuba's children:

Live births in institutions	99.8%	(1993)
Births per 1,000 inhabitants	13.9	(1993)
Percentage of population aged under one	1.6%	(1993)
Percentage of population aged 1-4	6.6%	(1993)
Percentage of population aged 5-14	14.4%	(1993)
Percentage of population aged under 15	22.6%	(1993)
Population aged under 15	2,474,137	(1993)
Implementation of health budget (pesos)	1,174,927,800	(1993)
Per capita expenditure (pesos)	107.57	(1993)
Paediatric beds (including paediatric beds, paediatric surgery, neonatal medicine and intensive care)	11,723	(1993)
Paediatric beds per 1,000 inhabitants aged under 15	4.7	(1993)
Paediatric beds per inhabitant aged under 15	211	
Doctors treating children aged under 15 (includes only paediatricians, paediatric surgeons, child psychiatrists, neonatal specialists, school hygienists; excludes 22,021 family doctors whose main activities include out-patient treatment of children under 15)	3,949	
Paediatricians per 1,000 children aged under 15	1.6	
Children aged under 15 per paediatrician	627	

Table 12

Child mortality rates

Year	Rate*
1970	38.7
1975	27.5
1980	19.6
1985	16.5
1990	10.7
1991	10.7
1992	10.2
1993	9.4
1994	9.9

Source: Statistical Yearbook 1993.
For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 live births

Table 13

Main causes of child mortality*

Cause	1970	1980	1992	1993	1994
Perinatal infections	15.0	9.4	4.3	3.6	3.8
Congenital disorders	3.8	3.9	2.5	2.5	2.3
Sepsis	3.8	1.6	0.5	0.7	0.8
Acute respiratory infections	5.1	1.6	0.7	0.7	0.8
Meningitis	0.8	0.5	0.4	0.4	0.3

Source: Statistical Yearbook 1993 For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 live births

Table 14

Preschool mortality (1-4 years)

Year	Rate*
1970	1.3
1980	1.0
1990	0.7
1991	0.7
1992	0.6
1993	0.6
1994	0.6

Source: Statistical Yearbook 1993
For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 inhabitants aged 1-4 years

Table 15

Main causes of death in children aged 1-4 years*

Cause	1970	1980	1992	1993	1994
Accidents	2.1	2.2	1.8	1.7	1.8
Malignant tumours	0.9	0.9	0.5	0.7	0.5
Congenital disorders	1.1	0.9	0.6	0.6	0.8
Acute respiratory infections	2.3	1.2	0.4	0.4	0.5
Meningitis	0.5	0.4	0.3	0.3	0.3

Source: Statistical Yearbook 1993. For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 inhabitants aged 1-4 years

Table 16

School-age mortality (5-14 years)

Year	Rate*
1970	0.5
1980	0.5
1990	0.4
1991	0.4
1992	0.4
1993	0.4
1994	0.3

Source: Statistical Yearbook 1993. For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 children aged 5-14 years

Table 17.

Main causes of death in children aged 5-14 years*

Causes	1970	1980	1992	1993	1994
Accidents	13.3	18.2	14.7	16.8	17.1
Malignant tumours	6.5	5.8	5.7	4.4	4.7
Congenital disorders	3.2	2.8	3.0	3.4	2.7
Murders	0.8	0.4	0.9	1.0	0.5
Benign tumours	0.8	0.4	0.7	0.9	0.5

Source: Statistical Yearbook 1993. For 1994: Department of Mother and Child Care (preliminary)

* Rate per 100,000 children aged 5-14 years

Table 18

Mortality rate of children aged under 5 years*

Year	Rate	% Survival to 5 years of age
1970	43.8	95.6
1975	32.6	96.7
1980	24.3	97.6
1985	19.7	98.0
1990	13.2	98.7
1991	13.4	98.7
1992	13.1	98.7
1993	12.2	98.8
1994	12.8	98.7

Source: Statistical Yearbook 1993. For 1994: Department of Mother and Child Care (preliminary)

* Rate per 1,000 live births

Table 19

Perinatal mortality rate

Year	Rate*
1975	29.4
1980	22.6
1985	18.5
1990	16.6
1991	14.4
1992	14.2
1993	13.8

Source: Statistical Yearbook 1993

* Rate per 1,000 live births and deaths of foetuses weighing over 1,000 grams

Table 20
Index of low birth-weight

Year	%
1975	11.4
1980	9.7
1985	8.2
1990	7.6
1991	7.8
1992	8.6
1993	9.0
1994	8.9

Source: Statistical Yearbook 1993
For 1994: Department of Mother and Child Care (preliminary)

Table 21
Vaccination cover for 1994

Type of vaccination	% vaccinated
BCG (tuberculosis) (-1 year)	99.3
HBV (hepatitis B) (-1 year)	97.9
DPT (diphtheria. pertussis. tetanus)	105.2
AM (meningococcal vaccine) 1 year	101.7
PRM (paratyphoid. rubella. measles) 1 year	100.3
DPT (booster)	93.8
AP (anti-polio)	98.2
Comprehensive vaccination	99.6
School year 1993/1994 (close)	
DT (diphtheria. tetanus) 1st grade	99.4
AT (anti-typhoid) 5th grade	95.5
AT (anti-typhoid) 8th grade	95.1
TT (tetanus toxoid) 9th grade	100.0
AT (anti-tetanus) 11th grade	100.0

Source: National Department of Epidemiology Preliminary data

78. The full range of immunizations has been administered to 96.9 per cent of Cuban children under the age of two years.

79. Poliomyelitis (1962) and diphtheria (1979) remain eradicated, and two clinical forms of immuno-preventable diseases have been eliminated - neonatal tetanus and tuberculous meningitis. Two serious complications of diseases preventable by vaccination have been eliminated since 1989: congenital rubella syndrome and post-paratyphoid meningo-encephalitis. The following diseases are being eradicated: rubella (only two cases up to November 1994); paratyphoid (14 cases up to November 1994); and whooping cough (three cases up to November 1994). The transmission of measles has been halted since January 1994.

Table 22

Out-patient paediatrics consultations

Year	Number of consultations	Consultations/inhabitants under the age of 15
1970	5,304,304	166.6
1980	8,153,030	265.3
1993	9,494,854	383.8

Source: Statistical Yearbook 1993, National Statistical Office, MINSAP, Cuba

Note: In 1993 every child aged under 15 had 3.8 consultations

Table 23

Paediatric examinations of children aged under 1

Year	Number of examinations	Examinations/inhabitants aged under 15
1970	647,445	3.0
1980	1,055,029	8.3
1993	2,036,590	11.6

Source: Statistical Yearbook 1993, National Statistical Office, MINSAP, Cuba

A. Health and health services

80. As a guarantee of the right to health and education, free medical care is provided for students and workers in the education sector.

81. At present there are about 2,000 family doctors and more than 7,000 nurses working directly in the schools and providing primary care for about 50 per cent of school-age children, adolescents and young people, as well as for some 120,000 education workers.

B. Treatment of severe mental disability

82. In Cuba the treatment of severe mental disability was introduced by the Ministry of Health in 1963, and the years since then have seen the provision of 24 treatment centres and a service offering 2,563 beds and 1,105 day places throughout the country. During the first years of this undertaking only a small number of children and adolescents were treated, since the assistance provided was on an in-patient basis, so that the institutions operated as closed centres. The requests for different types of treatment demanded solutions, and thus the day-attendance or semi-in-patient hospital emerged, together with out-patient treatment, producing tangible results both for the patients and for their families, with consequent positive effects on the community.

83. The treatment of patients begins with an aetiological, clinical and psychological diagnosis, an evaluation by an educational psychologist and an investigation by the social services. The treatment takes three forms: medical, educational-psychological and work training; these three approaches are interrelated but each concentrates on its specific field of action.

84. Each centre has its medical and nursing staff and the technical means of monitoring and implementing the treatment programmes for severe mental disability, which range from the quarterly monitoring of the patients' health and treatment of the pathologies presented to nutrition, environmental and personal hygiene, and dental care. Coordination with hospitals and polyclinics gives these patients access to the specialized skills of neuro-paediatricians, psychiatrists, orthopaedists, speech therapists, etc.

85. The educational psychologists provide treatment in three areas: psychological, pedagogical-therapeutic and therapeutic-recreational. Psychologists qualified in the treatment of mental disability by learning and recreation, teacher-therapists, and music and physical education teachers operate training programmes designed to develop to the maximum the capacities of the mentally disabled children and securing when possible their subsequent social reintegration, which is not limited to the family environment but includes a work activity, since experience has demonstrated that except when the mental age is below three years such persons are capable of performing some kind of socially useful productive work.

86. Cuba has 25 institutions for the physically and mentally disabled, including the La Castellana Institute for severely disabled adolescents who can benefit from training, which has an enrolment of 240 mentally disabled persons and is equipped with carpentry, pottery, glass-working and handicrafts workshops, where the quality of the patients' work ensures that their products find a ready market in the tourist industry. In addition, one group of patients works in the gardens, producing vegetables, flowers and ornamental plants.

C. Care of the disabled

87. Great importance is attached to the provision of care for the disabled, available nationwide in the National Health Service, and many different priority measures have been introduced in this area.

88. Rehabilitation plays an important role in the treatment of the disabled. Current programmes include a range of essential integrated activities: physical,

mental, socio-economic, modification of lifestyles, and control of risk factors. The comprehensive rehabilitation of patients has now moved beyond the limits of the hospitals to the primary care level, where the family doctor system provides the ideal framework for achieving the goals which have been set.

89. Community-based rehabilitation begins in Cuba with the monitoring of the disabled persons registered in each health area. A basic team is responsible for prevention, early diagnosis and rehabilitation activities. Rehabilitation is proceeding in Cuba with satisfactory results. There are associations which, in conjunction with the Ministry of Health, carry out plans and programmes with their members in each health area. Voluntary instructors have also been trained in movement and spatial orientation and they hold seminars in the towns and provinces. Work is also being done on the establishment and development of special facilities for training blind persons in household tasks. The Rehabilitation Centre for Blind and Visually Impaired Persons in the province of Havana provides additional activities in this area.

90. The vaccination campaign carried out in Cuba as part of the immunization programme has succeeded in eradicating preventable infectious diseases or reducing them to a minimum and has saved thousands of children from disabilities due to poliomyelitis (eradicated in 1992), diphtheria (eradicated in 1979), measles (no cases reported since January 1994), neonatal tetanus (eradicated in 1972), rubella (only one case reported in 1993), paratyphoid (four cases reported in 1993), whooping cough (11 cases reported in 1993), and tuberculosis (0.5 cases per 100,000 inhabitants aged under 15 in 1993).

91. Suitable programmes exist for the identification and early treatment of disabled children: the programme on genetics and prenatal diagnosis of cardiovascular deformities, neural-tube defects, Down's syndrome, sickle-cell anaemia, phenylketonuria, predisposition to allergies (specifically bronchial asthma), congenital hypothyroidism; the programme on early detection of deafness and hearing problems; the programme on early treatment and stimulation of deaf and hearing-impaired persons, blind and visually impaired persons, and persons with congenital and/or acquired neuromuscular disorders; and the programme on the treatment of the severely mentally disabled.

92. Other programmes have been introduced following socio-psychological research in each of the social groups served by the social welfare system, including the programme of assistance for persons suffering from phenylketonuria, the programme of assistance for autistic children, and the programme of assistance for persons affected by dominant cerebral ataxia. In the case of ataxia-sufferers, some ten years ago studies of the affected population were carried out in Cuba with a view to gaining a more accurate picture of the causes of this disorder and facilitating its presymptomatic and prenatal diagnosis and more effective treatment of patients; scientists from Germany and the United Kingdom took part in this research.

93. In this context various social measures have been introduced, implemented basically by the Ministry of Health, the State Committee on Labour and Social Security and mass organizations such as the Federation of Cuban Women.

94. An International Symposium on Dominant Cerebral Ataxia was held in 1992, and that year also saw the inauguration of a modern laboratory for the study and

control of this disease in the Provincial Teaching Hospital of Holguín. The gene which causes this disorder has already been isolated.

95. The service providing prosthetic and orthotic devices and other essential technical aids is available to the disabled throughout the country, and every province has a specialized repair workshop.

96. There are three centres providing treatment for persons with hearing problems and one national centre for the treatment of patients with subnormal vision. There are also two national treatment centres for blind and visually impaired persons and for persons with locomotor problems, as well as 138 physical rehabilitation units in hospitals.

97. All the units of the National Health Service provide advisory services and social support by means of multidisciplinary teams, in particular social workers at all levels of care.

98. Within the framework of the national planning system generous resources have been allocated to special education, and this has produced a significant increase in the cover provided by this subsystem. The magnitude of this effort is apparent from a comparison of enrolment in special education in 1983/1984 - 40,769 pupils - with the situation in the following years, which improved to a total of 56,975 pupils in 1993/1994. It must be added that in recent years the services available to children with various types of problem have been expanded and diversified. For example, schools have been established for children with mental or learning disabilities. The first national school for children with locomotor disabilities was established in 1989. Another aspect of the expansion of the services is the organization of special education at an early age for children with hearing, visual and mental disabilities through the creation of institutions specializing in the provision of guidance for parents.

99. The number of speech therapy units for children in primary schools and children's centres has increased.

100. The enrolment figures for special education show that the broadest cover is provided for mental disabilities, for which most of the country's towns have special schools.

101. There is a national centre for treating persons with locomotor disabilities, and education in the home is provided by itinerant teachers.

Table 24

National enrolment by type of disability

Speciality	Enrolment*	Speciality**
Mental disability	25,684	297
Blindness	199	8 + 6 semi
Vision impairment	502	both**
Squints and amblyopia	1,254	11
Locomotor disabilities	590	1
Deafness	1,348	21 semi
Impaired hearing	402	both
Behavioural problems	2,564	52
Retarded development Mental problems (learning difficulties)	22,195	111
Speech problems	635	11
Hospital wards	101	
Total		518

* Daytime courses

** Schools which treat this category

102. Furthermore, and in accordance with our conception of special education, in which the special schools constitute an important modality, we also provide services for more than 38,000 pupils with special education needs in the primary schools, and Cuba has the infrastructure and human resources which such services require.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

103. The right to education is defined in article 51 of the Constitution: "Everybody has a right to education. This right is guaranteed by the extensive and free system of schools, part-time boarding schools, boarding schools and scholarships in all types and at all levels of education, by the free provision of school materials to every child and young person regardless of the economic situation of the family, and by the provision of courses suited to the student's aptitudes, the requirements of society and the needs of economic and social development."

104. In our national education system the combination of study and work is a fundamental expression of the principle advocated by Marx and Martí of combining theory with practice, school with life, and learning with productive work, which is a decisive factor in the comprehensive training of young people; work is therefore conceived as part of the curriculum in school and university, where classes are used as a means of linking productive work with the content of the learning programmes and this linkage as a means of applying and consolidating

what is learned in the classroom; the schools contribute to the work training of the students by linking what is taught to the farming activities in which the pupils participate and relating the content of the teaching to the aspects of farming which they encounter in their daily lives.

105. The Joint Resolution of the Ministries of Education and Agriculture of 4 October 1982 sets out this principle. Annexed to this text is the methodology for the organization of the "School on the Farm" plan.

106. Primary education is guaranteed throughout the country, even in the remotest places, as is the scholarship system at the secondary level; secondary education is thus provided for children in sparsely populated rural areas where the operation of schools at this level with small enrolments is not a practical proposition. The scholarships include free food, board, clothing and footwear, educational materials, teaching, medical and dental care, and transport and recreation.

107. Cuban education is characterized by its universal scale and by extensive social participation (social and mass organizations; families, parents, teachers, pupils and the public at large). The quantitative and qualitative results expressed in the high indices of attendance and graduation and low drop-out rates demonstrate the efficiency of the system.

108. In Cuba access to sports and culture is a right of all citizens. Accordingly, from the earliest age children develop both physically and spiritually and, depending on their interests and aptitudes, the education system offers them the possibility of taking an active part in sports and culture.

109. The 14 provinces and the special municipality into which the country is divided politically and administratively all have a sports coaching school and an arts school. In both types of school the pupils may take, together with their primary or secondary classes, specialized courses in any sport or artistic pursuit. At present in secondary education more than 5,000 pupils are enrolled in the sports schools and 1,200 in the arts schools. However, the most important work is the work done in all schools with all students, and both spheres are regarded as sources of health and well-being. The schools, therefore, include within their own curriculums activities with a marked bias towards recreation and enjoyment.

110. Separately from the curriculum as such, the schools provide various non-academic leisure activities for pupils: games at various levels of skill; modelling, dancing and singing groups and other artistic pursuits; board games during breaks between classes; excursions to the countryside and the beach; visits to museums; dances, and many other choices. One very important factor in these activities is the support provided by the local community and by parents, as well as by the student organizations which promote and encourage these activities. The principles of Cuban education designate the school as the main vehicle for culture and leisure activities in its local area.

111. The main areas of provision which give expression to the right to education in Cuba can be summarized as follows:

(a) The scholarships plan (271,000), as already pointed out, guarantees secondary and higher education for young people living in more remote areas;

(b) Part-time boarding at the primary level is guaranteed for the children of working mothers without any discrimination. Today more than 400,000 children take advantage of this service;

(c) The children's centres emerged with the Revolution as a means of incorporating women in the process of social production, but as they developed down to the present day their function has changed, so that they now play an important role in the education of children from the first years of life, gradually preparing them to begin their primary education. At present there are 1,156 children's centres throughout the country with an enrolment of more than 127,700 children and with over 140,000 working mothers taking advantage of this service;

(d) The various forms of preschool education cater for 773,893 (72 per cent) of the country's total of 1,072,359 children aged five and under. Of the total preschool attendance, 490,148 children are served by non-formal facilities ("Educate Your Child" programme), 144,311 attend children's centres, and 139,434 attend the preschool groups in primary schools;

(e) Primary education has been made universal with no distinction as to sex, race or religion. In 1992, 99.8 per cent of children aged six to 11 years were attending school;

(f) All children who complete the sixth grade are guaranteed continuation of their education in the basic urban or rural secondary schools. Graduates from the ninth grade have opportunities of continuing their studies in the pre-university institutes or on a scholarship basis in the rural schools, as well as being able to take a broad range of special subjects in polytechnics without any distinction as to sex or race;

(g) Graduates from pre-university institutes who do not go on to higher education are offered places in technical and vocational schools on courses lasting two or three years depending on the difficulty of the subject;

(h) Following the triumph of the Revolution, Cuba began the systematic work of establishing schools in order to secure the proper mental development and training, from the standpoint of both school and work, of children, adolescents and young people with physical or mental disabilities or behavioural problems. Today there are 518 schools where some 572,000 children receive free special education - a figure which represents a high rate of attendance by children diagnosed as needing this service;

(i) Training of qualified workers and middle-level technicians is provided without distinction as to sex, except in occupations harmful to women's health. Throughout these revolutionary years in Cuba 1,345,700 persons, 43 per cent of them women, have graduated as middle-level technicians or qualified workers.

VIII. SPECIAL PROTECTION MEASURES

112. Title XI of Cuba's Criminal Code (Crimes against the normal conduct of sexual relations and against the family, children and young people) deals with the definition of the crimes and the imposition of severer penalties depending on the age of the victim. According to article 298.1.2 (a), the crime of rape is established by the mere fact that the victim is under the age of 12 years. The same applies to the crime of pederasty with violence, dealt with in article 299.2 (a), when the victim is under 14 years of age. The punishment of the crime of sexual abuse is more severe when the victim is under the age of 12 years. The crime of seduction (estupro) is defined as sexual intercourse with an unmarried female aged over 12 but under 16 years when the intercourse is effected by means of abuse of authority or deception. The criminalization of the act of corruption of minors, as its name indicates, protects children of either sex aged under 16 years against persons who try to induce them to engage in improper behaviour. This crime has several components, including culpable perpetration.

113. As stated earlier, the courts must impose the additional penalty of termination or suspension of parental rights and rights of guardianship when the requirements for such sentence are met.

114. Article 190.2 (a) of the Criminal Code, as amended by Decree-Law No. 150 of 6 June 1994, establishes that when children aged under 16 years are involved, heavier sentences shall be imposed for the crimes of producing, transporting, trafficking in, importing or exporting, holding or in any other way procuring for another person, keeping in one's possession or concealing quantities of narcotic drugs, psychotropic substances or other substances having similar effects, cultivating the plant cannabis indica, or knowingly possessing seeds of this plant; such sentences range from a minimum of seven to a maximum of 15 years' imprisonment.

115. Other forms of the crime of corruption of minors include inducing children under the age of 16 years to use narcotic drugs, psychotropic substances or other substances having similar effects, and behaviour which by negligence or carelessness results in a minor under one's authority or in one's guardianship using narcotic drugs, psychotropic substances or other substances having similar effects.

116. Article 29.2 of Cuba's Criminal Code states expressly: "The death penalty may not be imposed on persons under the age of 20 years or on women committing a crime when pregnant or who are pregnant at the time of sentencing." The death penalty is an exceptional measure used only, pursuant to article 29.1, in the most serious instances of the crimes for which it has been provided.

117. Since life imprisonment does not exist in Cuba it can never be imposed on an offender. It must also be pointed out that young offenders, aged 16 to 20 years, are treated differently with regard to the suitability of the sentences imposed for the crimes which they commit.

118. It must further be pointed out that acts of a criminal nature committed by children under the age of 16 years do not fall within the competence of the ordinary courts. Such cases are dealt with by a system, quite separate from criminal legislation and criminal proceedings, which gives priority to the

instruction and psychological treatment of the offenders and their re-education by totally different methods from the ones used in the facilities where older persons serve their sentences.

A. Children in conflict with the law

1. The administration of juvenile justice

119. At the time of the triumph of the Revolution in 1959 the current Social Protection Code excluded persons aged over 12 but under 18 years from the scope of criminal law; on the establishment of criminal liability the sentence was confinement in a juvenile reformatory until the age of majority or for the period prescribed by the court. There were no alternative methods of treatment, and such persons were still regarded as subjects of criminal law, with the difference that they were not punished but subjected to measures of protection.

120. Beginning in 1959 legislation was adopted to deal with minors with behavioural problems, including:

(a) Law No. 546/59, which dealt with matters of the re-education or rehabilitation of minors, periods of confinement, and their fate on reaching the age of majority;

(b) Law No. 548/59 created the observation centres, where multidisciplinary personnel were able to make comprehensive studies of minors and the causes of their conduct and submit such studies to the corresponding judicial authority;

(c) Article 85 of the 1975 Family Code stipulated inter alia that the parents or legal representatives should represent minors in all legal proceedings involving them and accorded the parents or legal representatives the full capacity to take any legal action to protect the interests and property of the minors;

(d) The Constitution and the Children's Code also deal in principle with the legal protection of minors;

(e) The year 1982 saw the promulgation of Decree-Law No. 64, which created the service for treatment of minors with behavioural problems, a legal entity which deals with legislation on minors in Cuba. Subsequently, in 1987, Decree-Law No. 95 created the prevention and social welfare commissions.

121. This system provides care and treatment from the age when incipient antisocial behaviour is detected, whether or not such behaviour develops significant signs of deviance or danger to society or the child violates the law by participating in acts defined as crimes for adults.

122. The administration of justice is founded on a comprehensive psycho-pedagogical concept with a profound social content and integrated, coherent, unitary and scientifically based procedures.

123. On the basis of this legislation, minors presenting these characteristics are cared for by specialized personnel and institutions under the control of the Ministries of Education and the Interior; intervention is triggered by the

degree of deterioration in behaviour, for which there are three categories. Other social bodies and organizations are also involved in these activities, including the prevention and social welfare commissions, the Federation of Cuban Women, the Social Welfare Department of the Ministry of Labour, the Ministry of Health, and student and youth organizations, which carry out primary prevention work at the community level.

124. The system has three areas of activity: prevention, assessment and re-education.

125. The preventive work covers the areas which shape a child's behaviour: the school, family and community, all of which are important influences in the upbringing of children and young people. The system's professional expertise is provided by the children's officers, who work with other specialists. These officers study the social situation at the level of the electoral districts of People's Power in order to provide guidance for the creation of the organizational, educational and technical conditions for tackling and solving the problems identified; this is the basic precondition for the success of prevention. The purpose of this preliminary work is to ensure early detection and effective treatment to prevent the child from becoming locked into a pattern of disturbed behaviour.

126. The centres for the assessment, study and guidance of minors are an important link in the system, for their work is concerned with the multidisciplinary study of the children, with the involvement of psychologists, teachers, lawyers, psychiatrists and psychometrists, among others. The aim is to determine the causes of the disturbed behaviour with a view to making recommendations for specialized treatment and suggesting to the local child welfare council the measures to be adopted in each case.

127. The work with such children includes measures ranging from strengthening the educational activities of parents and teachers and treatment by community organizations and institutions to placement in the reform schools or re-education centres run by the respective ministries. The teaching activities in these institutions are supervised by the national education system. They also provide job training and agricultural and other job-related activities based on the principle of work-study enshrined in our teaching theory. Efforts are made to ensure that when they leave these schools and centres all the children have a job qualification which facilitates their social reintegration and guarantees their future.

128. The legal counselling and assistance advocated in "The Beijing Rules" are not strictly speaking relevant in the Cuban system, since children cannot bear criminal responsibility regardless of the results of their acts; they are not tried before courts of justice but cared for by the child welfare councils, consisting of lawyers, psychologists and teachers, which decide jointly on the educational measures to be taken, whether in an institution or not. The Cuban system contains social as well as procedural guarantees.

129. The child welfare councils decide on the measures to be carried out by the community and the institutions responsible for the proper re-education of the children; they are responsible for supervising the implementation of the measures, their revision and any decisions on their confirmation, modification or termination, at any time, always on the basis of what is in the best interest

of the child concerned; they also have the power to ensure compliance with the procedural time-limits.

130. One very important guarantee when a minor is accused of participation in a crime is that all the action necessary to verify his involvement in the crime must be completed within 48 hours; the minor is assumed to be innocent until his guilt is established.

131. Another important aspect is the protection of the minor's integrity through a prohibition on the use or provision of any information about the child for publication in the mass media. The information gathered about a delinquent minor is strictly for the use of the specialists involved and never constitutes a criminal record.

132. Throughout all the procedures followed with a minor the fundamental aim is treatment by multidisciplinary teams, work with the family and participation of the community.

133. Prior to the adoption of the Convention on the Rights of the Child in 1988 part of Cuba's system for the treatment of minors with behavioural problems underwent a review which led to improvements in the quality of the treatment by way of greater interaction between the specialists and the introduction of new psycho-pedagogical techniques and organizational methods, which are proving more effective than the earlier arrangements.

134. However, efforts are continuing to correct a number of defects:

(a) Early detection of children with behavioural problems, for treatment has not been provided in 100 per cent of cases;

(b) The need for continued enhancement of the knowledge of this type of child in order to improve the quality of the technical and practical treatment;

(c) Job training, which has been restricted by the shortage of workshops, equipment and raw materials, as part of the education process;

(d) Reintegration of all the children leaving reform schools or re-education centres in the community, school or work - a difficult undertaking in the present social and economic conditions;

(e) Despite the joint efforts of the system's governing bodies, the levels of integration of the system envisaged in Decree-Law No. 64 have not yet been achieved.

135. Nevertheless, the system is in due conformity with the international rules governing these matters.

136. Given the age of criminal responsibility, Cuba's system for treating minors does not cover persons aged 16 to 18 years. However, in accordance with the most advanced thinking in penal and penitentiary policy, the legal system envisages different treatment for prisoners aged 16 to 20 years which is even extended to other young people under the age of 30. In such cases article 17 of the Criminal Code stipulates that for persons aged over 16 but under 19 years the minimum and maximum limits of a sentence of imprisonment may be reduced by a

half, and for persons aged 18 to 20 years by a third. The article goes on to state that in both cases the primary consideration shall be the re-education of the offender, training in an occupation or job, and the inculcation of respect for the law. Article 30 states that persons under the aged of 20 years shall serve their sentences in institutions designed specifically for them or in sections where they are kept separate from older prisoners. Another possibility in the treatment of young people is release on parole pursuant to article 58 once a third of the sentence has been completed.

137. These persons under the age of 20 are supervised in the prisons by the most experienced and best-qualified staff, and special plans are drawn up for sporting, cultural and leisure activities; education is provided up to the end of the basic secondary level, together with vocational training, and they are given priority in selection for productive work in order to instil in them good behavioural habits and a love of work as characteristics of properly developed men and women. Social and mass organizations, especially youth organizations, are also involved, as are children's social workers. In addition to ordinary visits, family members are offered every type of facility for communicating with their relatives.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

138. The unified regulations governing the work of agencies operating in the system for treatment of minors contain the following guarantees:

(a) Given that the detention of a minor is necessary, it shall be effected without the use of firearms, handcuffs or other implements and shall not be effected in schools or places where such action might cause alarm or harm other minors. Suitable methods which respect the physical and mental integrity of the minor must be used in all cases;

(b) Any act involving a minor shall be carried out in the presence of his legal representatives or guardians, and in exceptional cases of their absence an officer of the public prosecutor's office shall assume this responsibility;

(c) Detainees shall be taken to a local police station having specialised personnel and where the minimum conditions for their welfare exist;

(d) Detainees may be kept for a maximum period of 24 hours in a police station and they must be held in suitable accommodation and in all cases separate from adults;

(e) As a general rule they shall not be kept in police cells, and when their extreme aggression makes this necessary, special arrangements must be made for their detention, which may not exceed 24 hours, and they shall have access to their legal representatives or guardians at all times;

(f) Special procedures of instruction must be organized in the investigation of minors who break the law or take part in acts defined as crimes for persons aged 16 years and older;

(g) All the actions involving a minor taken during the investigation must be recorded in a statement signed by the legal representatives or guardians, who shall receive a copy of the same, as a guarantee of this procedure and certification of their participation;

(h) The investigatory technique used is the interview, and a minor may not appear as a witness, in an identity parade, or in any other procedure which may harm his integrity;

(i) Any action in a police station must be taken in the presence of a juvenile officer, a professional whose functions include the responsibility for ensuring that both the minor and his legal representatives or guardians receive special treatment;

(j) It is the responsibility of the child welfare councils of the Ministry of the Interior to order the placement of minors in re-education centres; such action shall be taken as a last resort once the possibilities of treatment in the family, school or community have been exhausted.

139. The period of detention depends on the progress made by the minors in the institutions where they are placed and in the community where they live during their regular periods of release; such detention may be replaced by other measures or terminated.

140. Children in conflict with the law in Cuba represent 0.3 per cent of children aged 10 to 15 years, and their most frequent crimes are robbery and theft. Only three per cent of offenders have committed serious bodily harm, rape, pederasty with violence, or murder. Other criminal activities such as drug addiction, use of firearms, assault or membership of criminal gangs do not occur.

141. In the system for treatment of minors, placement in institutions is resorted to only in cases where there is a high social risk involving violation of the law. At present such cases represent only 0.04 per cent of children aged 10 to 16 years. Such placement can be ordered for two purposes:

(a) Firstly, for a period not exceeding 45 days, in order to study the minor's personality and recommend the treatment measures best suited to his particular needs. This work is done in a centre for the assessment, study and guidance of minors. This type of assessment during detention is used only in extreme cases when the minor's behaviour requires that such a study should be made under such conditions, but this does not mean that detention is required in every case;

(b) Secondly, placement in a re-education centre with the fundamental aim of modifying habits, conduct and ethical and moral values so that the minor may be reintegrated in the community in due course.

142. Both types of institution are found in all the country's provinces. They provide medical and dental care, psychological and psychometric treatment, speech therapy and other education, as well as opportunities to take part in productive, cultural, sporting and leisure activities.

143. The re-education centres are educational institutions responsible for the specialized treatment of minors subjected to a period of detention. They operate under regulations which spell out the rights and duties of the inmates, with emphasis on their integration in the community where the institution is located and the community where they live and on contacts with their families. The activities of these institutions are essentially in conformity with the provisions of the Riyadh Guidelines on juveniles.

144. In Cuba, legal assistance is manifested in the educational nature of the system for the treatment of minors with behavioural problems; this system guarantees, in addition to the participation of parents or guardians, the services of specialized professional staff. This assistance includes medical and dental care and the provision of medicines, food, clothing, books, toys, sporting equipment and musical instruments.

145. Article 62 of the Constitution establishes the right of every citizen to make a complaint to or lodge a claim with any agency of the Government and to receive a reply within an appropriate time-limit, as established by law. This right is confirmed in Resolution No. 8, which contains, in its chapter III, articles 64 and 65, the regulations governing the child welfare councils of the Ministry of the Interior.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment

146. In Cuba minors may not be prosecuted before the courts, so that the question of capital punishment and life imprisonment does not arise. This applies equally to juveniles under the age of 20 years, regardless of the seriousness of the crime committed. Such sentences are imposed, in exceptional cases, only on adults aged over 21 years, and the maximum length of a term of imprisonment is 20 years.

B. Child labour

147. The social and economic conditions established by the Socialist Revolution have excluded the possibility of child labour.

148. The Constitution provides that children and young people "shall enjoy special protection by the State and society with a view to their comprehensive training".

149. In international affairs, Cuba was one of the founder countries of the International Labour Organization (ILO) and has ratified 86 of its conventions, including six on the minimum age; the most recent, Convention No. 138 concerning Minimum Age for Admission to Employment, obliges every ratifying State to carry out a national policy for the effective abolition of child labour and for the establishment of a minimum age, which must not be younger than the age of completion of compulsory schooling or in any event not younger than 15 years. This age rises to 18 years in the case of jobs which may endanger the health, safety or morals of minors.

150. The rules contained in this Convention do not apply to work done by children or adolescents in schools of general vocational or technical training

or in other training institutions or to work performed in duly authorized enterprises with the prior consent of the occupational organizations concerned, when such work is part of training courses or programmes or other recognized vocational training activities and the children are aged 14 years or older.

151. Cuba has also ratified Conventions Nos. 6 and 90 concerning the Night Work of Young Persons Employed in Industry and Convention No. 79 concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations. The common principle of all these instruments is the prohibition of night work by children and adolescents.

152. In addition, Cuba has ratified Convention No. 77 concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons and No. 78 concerning Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations, which have the common purpose of imposing the requirement of a free medical examination for minors to establish their fitness for employment, followed by periodic examinations to monitor their fitness for work.

153. Cuba's free system of general education, which is compulsory at the basic level, constitutes in practice a powerful obstacle to child labour, and, although education in general is based on the Marxist principle of linking study with work, this principle is made manifest in permanent planned activities backed by all the guarantees necessary for the appropriate training of the coming generations within the framework of general, occupational and technical education in coordination with the establishments where the young people will be placed when their training is completed.

154. In accordance with the international regulations to which Cuba subscribes, the Labour Code establishes 17 years as the age at which young people acquire the capacity to conclude work contracts (in exceptional cases children aged 15 and 16 may do so). The Code has a specific chapter on child labour which establishes the requirement of a medical examination before recruitment and the right of young people to initial preparation or training for the job, as well as the requirement that they must be placed in jobs suited to their physical and mental development, with prohibitions on specific activities such as work as stevedores and work underground or high above ground, at night, in mining, or in places where harmful, reactive or toxic substances are used, or in any type of work in which they are responsible for their own safety or the safety of others.

155. Children aged at least 14 years may conclude work contracts with the labour bodies under special conditions of apprenticeship, subject to prior authorization by the Ministry of Labour and Social Security, to perform work suited to their physical and mental development and in conditions which do not interfere with their education.

156. By way of protective measures, the law provides that the work of minors shall in no case exceed seven hours a day or 40 hours a week and that they shall not be permitted to work on rest days, except to perform work of exceptional social benefit.

157. With regard to technical training, it must be made clear that this covers both young people already in an employment relationship and young people who are beginning work for the first time, and that this training is provided within the

regular education system, where middle-level technicians and qualified workers receive instruction on the courses provided by State organs and agencies.

158. The problems of "street children" or "child labour" do not exist in Cuba, but there is a very small number of children who do not receive instruction within the regular education system owing to problems of health or behaviour; such children are catered for by the special-education subsystem operated by the Ministry of Education with the support of other State agencies such as the Ministry of Health, the Ministry of the Interior and the Ministry of Labour and Social Security.

159. For the particular case of children aged from 14 to 16 years who do not attend regular schools owing to health or behavioural problems which prevent their normal education Decree No. 151 of 17 May 1989 established the system of work schools, under which such children spend four hours in the classroom and four hours doing practical work in enterprises, where they are trained in occupations which are in short supply and to have a job in life. Children of this age who are unable to attend a work school because there is none in their neighbourhood have the opportunity of receiving training directly on the job or in services in enterprises, subject to the legislation governing child labour.

160. All young people undergoing training in Cuba under these various schemes, including children aged 14 to 16 years and young people who have completed secondary and higher education, have the same labour and social security rights as other workers, even though they enjoy the greater legal protection described above, and they all receive a monthly wage during the training period, except for persons already having a labour relationship, who receive a subsidy equivalent to their wages.

161. To cite a few figures, in 1990 Cuba had 106 work schools with 20,000 students and an annual graduation of about 4,600 students, according to estimates.

162. In 1991, 80 per cent of the training took place in enterprises, with the participation of 791,944 workers; in that year investment in technical training activities amounted to 181,051.7 million pesos.

163. It may be pointed out in conclusion that, with the triumph of the Revolution, child labour was abolished from Cuban society and that every child and young person receives from the Cuban State special assistance for their comprehensive development, for this young generation represents the men and women of tomorrow who will hold in their hands the destiny of their mother country; they therefore constitute our society's most precious asset.